



11/14

AF

PTO/SB/21 (09-08)
Approved for use through 10/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/582,869
		Filing Date	June 14, 2006
		First Named Inventor	Bernd HANSEN
		Art Unit	3721
		Examiner Name	T. K. Truong
Total Number of Pages in This Submission		Attorney Docket Number	51336

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement	Remarks The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-2220. [X] Any additional excess claim fees under 37 C.F.R. § 1.16. [X] Any additional patent application processing fees under 37 C.F.R. § 1.17. Postcard Receipt	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Roylance, Abrams, Berdo & Goodman, L.L.P.		
Signature			
Printed name	Mark S. Bicks		
Date	April 13, 2009	Reg. No.	28,770

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

51336



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : PATENT
: :
Bernd HANSEN : :
: :
Serial No.: 10/582,869 : Art Unit: 3721
: :
Filed: June 14, 2006 : Examiner: T. K. Truong
: :
For: METHOD AND DEVICE FOR :
PRODUCING AND FILLING :
CONTAINERS : :

SUBMISSION OF REVISED BRIEF ON APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the April 9, 2009 Notification of Non-Compliant Brief in connection with the above-identified application, submitted herewith is a Revised Brief on Appeal with headings in the Argument section “matching” the Grounds for Rejection section to expedite prosecution, even though such “matching” is not required.

Such “matching” is not required by 37 C.F.R. §41.37(c)(1)(vii) or M.P.E.P. §1205.02. Only a separate heading for each ground and each claim argued is required. Although the headings that match the grounds are suggested as examples, they are not required (see particularly page 1200-15, left column, of M.P.E.P. §1205.02). No “matching” is required by the rules.

Respectfully submitted,

Mark S. Bieks
Reg. No. 28,770

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 20036
(202) 659-9076
Dated: April 13, 2009

51336



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: : PATENT
: :
Bernd HANSEN : :
Serial No.: 10/582,869 : Art Unit: 3721
: :
Filed: June 14, 2006 : Examiner: T. K. Truong
: :
For: METHOD AND DEVICE : Appeal No. _____
FOR PRODUCING AND : :
FILLING CONTAINERS : :

REVISED BRIEF ON APPEAL

Mark S. Bicks, Esquire
Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036-1649
(202) 659-9076

TABLE OF CONTENTS

	<u>Page</u>
1. Real Party in Interest	1
2. Related Appeals and Interferences	2
3. Status of Claims	2
4. Status of Amendments	2
5. Summary of the Invention	2
6. Grounds for Rejection to be Reviewed on Appeal	4
7. Argument.	4
A. Rejection under 35 U.S.C. § 112, Second Paragraph	4
B. Rejection under 35 U.S.C. § 102 over Hansen German Patent	5
(1) Claim 12.....	5
(2) Claim 24.....	7
(3) Rejections of Dependent Claims Based on Hansen German Patent.....	10
C. Rejection Under 35 U.S.C. §103 over the Hansen German Patent in View of Zelina Publication.....	12
(1) Claims 15 and 16.....	12
(2) Claim 26.....	12
D. Rejection under 35 U.S.C. § 102 over Japanese Patent Publication ..	12
(1) Claim 12.....	12
(2) Claim 24.....	13
(3) Rejections of Dependent Claims Based on Japanese Publication	15
8. Conclusion.	16

APPENDIX A - CLAIMS ON APPEAL

APPENDIX B - EVIDENCE

APPENDIX C – RELATED PROCEEDINGS